

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
FILED

SHANNON ORY

2013 APR -8 PM 1:04

1-13-cv-110

v.

U.S. DISTRICT COURT
EASTERN DIST. TENN.

clerk Carter

HAMILTON COUNTY TENNESSEE (TN)

PER CLERK

HAMILTON COUNTY SHERIFF'S OFFICE (HCSO)

Civil Action

SHERIFF JIM HAMMOND, HCSO

No.

ROBERT STARNES, HCSO

JEFF BAKER, HCSO

ROBIN LANGFORD, HCSO

PAUL HOLLOWAY, HCSO

VAN HINTON, HCSO

CITY OF COLLEGE DALE, TN

COLLEGE DALE POLICE DEPARTMENT (CPD)

CHIEF BRIAN HICKMAN, CPD

DARRELL HANNAH, CPD

Complaint for Violation of Civil Rights

42 U.S.C. Section 1983

~~Complaint~~

On Wednesday, December 16, 2009, agents of the Hamilton County, Tennessee Sheriff's Office (HCSO) and the City of Collegedale, Tennessee Police Department (CPD) entered the plaintiff's property and residence in response to an alleged aggravated assault. At that time and continuing through 2013, these agents engaged in official misconduct which resulted in depriving the plaintiff of protection against illegal search and seizure as well as protections against malicious prosecution guaranteed by the Constitution of the United States of America. While serving in official capacities as commissioned law enforcement agents, the Defendants through ~~false statements~~ dereliction of their sworn positions facilitated an atmosphere in which the plaintiff was charged with serious felonies.

Substantial facts can be proven by the plaintiff and are listed chronologically per defendant.

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Robert Starnes, HCSO

1) Lied to plaintiff about the existence of an "incriminating statement" that was audio-taped by a "lapel microphone." When confronted by the plaintiff as a liar, the defendant blamed "another officer" (later identified as Darrell Hannah, CPD J).

No incriminating, audio-taped statement was ever located. 12/16/2009

2) Lied on a sworn affidavit to obtain a search warrant of the plaintiff's property. 12/16/2009

3) Lied to plaintiff regarding the presence of "a lot of blood" in plaintiff's bathroom. 12/16/2009

4) During interrogation of the plaintiff at HCSO East Sector, maintained communication with Jeff Baker, HCSO and/or Robin Langford, HCSO in order ~~for~~ to plant, tamper and photograph evidence ~~contradictory~~ to the plaintiff's residence that would contradict the plaintiff's alibi. 12/16/2009

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5) Participated in a failed phone-sting scheme with Jeff Baker, HCSO and Van Hinton, HCSO as well as a convicted felon in an attempt to entrap the plaintiff in a bogus, felonious charge. When the plaintiff reported the officers' ~~mal~~ misconduct to HCSO, the plaintiff was arrested. 4/2010

6) Lied to a witness regarding a non-existent alibi given by the plaintiff and involved the witness. The lie perpetrated by Robert Starnes and Jeff Baker, HCSO infuriated the witness and created an atmosphere of bias which motivated the witness to present false testimony in a criminal trial. 4/5/2010

7) Willfully ignored exculpatory evidence and inconsistent statements in a criminal investigation therefore placing the plaintiff in increased risk of a felony conviction. 12/16/2009 - 2013

Jeff Baker, HCSO

- 1) See item 4 on page 2
- 2) Willfully ignored exculpatory evidence and inconsistent statements in a criminal investigation there maliciously placing the plaintiff at increased risk of a felony conviction. 12/16/2009-2013
- 3) See item 5 on page 3
- 4) Either paraded a convicted felon in front of the Hamilton County Grand Jury in order to present false testimony OR presented false testimony to the Hamilton County Grand Jury in order to obtain a felony indictment against the plaintiff. 4/2010
- 5) Admitted to expediting the Grand Jury process to maliciously deprive the plaintiff of due process. 4/5/2010

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- c) Participated in an alleged stalking claim in Davidson County, Tennessee in order to revoke the ~~the~~ plaintiff's bond when the plaintiff refused to accept a plea deal offered by the State.
11/4/2011 - 11/7/2011

Paul Holloway, HCSO

- d) Inserted false, fictitious statement in an official report describing an alleged assault of 12/16/2009.

Van Hinton, HCSO

- e) Participated with Robert Starnes, HCSO and Jeff Baker, HCSO as well as a convicted felon in an attempt to entrap the plaintiff in a bogus, felonious charge. When confronted by the plaintiff's attorney, Defendant claimed "he dialed the wrong number."

Sheriff Jim Hammond, HCSO

1) As the highest-ranking law enforcement officer in Hamilton County responsible for administration of policies and procedures preventing official misconduct of employees of the Hamilton County

Sheriff's Office, Jim Hammond retained employment and/or promoted the other Defendants therefore failing to govern his subordinates and preventing official misconduct. As Robert Starnes, HCSO and Jeff Baker, HCSO so eloquently stated in a 4/5/2010 interview, "past behavior is the best" indicator or predictor "of future behavior", these employees have decades of experience and have probably acted in similar fashions in the past and will continue to act similarly in the future if unpunished.

Hamilton County, Tennessee Sheriff's Office

- 1) The official law enforcement agency of Hamilton County, Tennessee which employs Jim Hammond, Robert Starnes, Jeff Baker, Paul Holloway, Robin Langford and Van Hinton has failed to ~~instat~~ institute or enforce policies to prevent official misconduct

Hamilton County, Tennessee

- 1) The County seat of Hamilton, Tennessee provides salaries, ~~eg~~ and funds for equipment, training and imprisonment. This funding allows, ~~and~~ encourages, and rewards the Defendants listed as HCSO employees to operate maliciously.

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Robin Langford, HCSO

1) See item 4 on page 2.

Darrell Hannah, CPD

1) Lied about "incriminating, audio-taped" statement allegedly made by plaintiff. Attempted to falsify an official report regarding a criminal investigation by ~~att~~ altering arrival times. 12/6/2009 - 3/6/2013

Chief Brian Hickman, CPD

1) As the highest ranking law enforcement officer in the Collegedale, Tennessee Police Department, Brian Hickman is ultimately responsible for creating policies and procedures as well as enforcement of those policies and procedures to punish employees under his authority that falsify official reports. Brian Hickman either promoted and/or retained employment of Darrell Hannah therefore approving of Darrell Hannah's actions as an employee of the City of Collegedale, Tennessee Police Department.

City of Collegedale, Tennessee Police Department

- 1) The official law enforcement agency of Collegedale, TN which employs Darrell Hannah and Brian Hickman and allows them to exercise their commissions has failed to institute policies and procedures and enforce such policies and procedures in order to prevent or punish official misconduct.

City of Collegedale, Tennessee

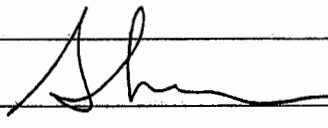
- 1) This municipality collects tax revenues to provide salaries, benefits, equipment and training which allows Darrell Hannah and Brian Hickman to prosper while committing acts of official misconduct.

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The actions and inactions of the Defendants have deprived the Plaintiff of protections guaranteed under the Constitution of the United States. The Defendants actions have defamed, libeled and slandered the Plaintiff. Prior to these events, the Plaintiff was a gainfully-employed, tax-paying citizen of the United States. The Defendant's actions/inactions have cost the Plaintiff his career, his children, his home, his pension, his 401k, ~~and~~ his personal and professional reputation, and his liberty. The Plaintiff is an insulin dependent diabetic. Incarceration by the HCSO in conjunction with a diet governed by the HCSO has yielded a blood glucose A1c test result of 10.0 in March 2013. The American Diabetes Association recommends an A1c of less than 6.0. The A1c test is an indication of average blood glucose level for a 3 month period. This average blood glucose level is an indicator of the risk of diabetic complications including blindness due to retinopathy, limb amputation due to loss of blood circulation and heart disease.

The Plaintiff's ~~diet~~ diet and medical treatment has been severely inadequate and has caused his average blood glucose to be 80% higher than recommended by the American Diabetes Association. This diet and medical treatment has been controlled by Hamilton County. The Plaintiff ~~is~~ has been placed at an increased risk of future diabetic complications.

The Plaintiff seeks relief in the form of compensatory and punitive damages equalling Nineteen million nine-hundred thousand US dollars, (\$19,900,000.00) as well as all legal fees and court costs. The Plaintiff prays that this honorable court allows him to present evidence of the Defendants official misconduct as well as evidence of injury suffered by the Plaintiff. The Plaintiff prays that significant financial penalties will deter the Defendants from acting in the same manner in the future.

 R. Orr 4/1/2013

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